

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

SEP 17/2010
JULIA C. MURRAY, CLERK
BY: *[Signature]*
DEPUTY CLERK

ROBERT PHAROAH HOWARD,)
Plaintiff,) Case No. 7:10CV00052
v.)
TRACY S. RAY, ET AL.,)
Defendants.) ORDER
) By: Glen E. Conrad
) Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Defendants' motion for summary judgment is **GRANTED in part and DENIED in part**, such that:
 - a. The motion is **GRANTED** as to all claims against Defendants Johnson and Ray; but
 - b. The motion is **DENIED** as to plaintiff's claims that Defendants' Gibson and Large used excessive force against him on July 18, 2009;
2. The defendants are **DIRECTED** to file an answer to the complaint within ten (10) days from entry of this order; and
3. The clerk **SHALL** set this matter for trial before a seven-member jury in the United States Courthouse in Big Stone Gap, Virginia at the court's earliest convenience.

ENTER: This 17th day of September, 2010.

Glen Conrad

Chief United States District Judge